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DOCKET
NUMBER

U.S. DISTRICT COURT
WEST. DIST. OF WISCONSIN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUL - 1 2002

FILED/RECEIVED
JOSEPH W. SKUPNIEWITZ, CLERK

CASE
NUMBER

NEIL GAIMAN, a resident of
Wisconsin, and MARVELS AND
MIRACLES, LLC, a Wisconsin
Limited Liability Company,

Plaintiffs,

v.

TODD MCFARLANE, a resident of
Arizona, and TODD MCFARLANE
PRODUCTIONS, INC., and Arizona
corporation, TMP INTERNATIONAL,
INC., a Michigan corporation,
MCFARLANE WORLDWIDE, INC.,
a Michigan corporation, and IMAGE
COMICS, INC., a California
corporation,

Defendants.

Case No. 0200048 S

**IMAGE COMICS, INC.'S PARTIAL JOINDER OF THE MCFARLANE
DEFENDANTS' PARTIAL MOTION FOR SUMMARY JUDGMENT**

I. INTRODUCTION AND IDENTIFICATION OF JOINED SECTIONS

For judicial economy and the convenience of the parties, Defendant Image Comics, Inc. ("Image") hereby gives notice that it joins the sections of the Motion for Summary Judgement filed by the McFarlane Defendants which address Counts VII and VIII. Specifically, Image joins the following sections of the McFarlane Defendants' brief:

Section III, which is entitled "The Plaintiffs' False Advertising And Lanham Act Claims Accrued More Than Three Years Before This Lawsuit, And Are Thus Time-Barred."

II. CONCLUSION

For the reasons discussed in the brief sections of the McFarlane Defendants' brief identified above, Image joins and respectfully requests entry of summary judgment in its favor for Counts VII and VIII discussed above.

DATED: July 1, 2002

BROBECK, PHLEGER & HARRISON LLP

By: R. Scott Feldmann / MCL.
R. Scott Feldmann
Attorneys for Defendant
Image Comics, Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 38 Technology Drive, Irvine, California 92618-2301. On July 1, 2002, I served the documents named below on the parties in this action as follows:

DOCUMENT(S) SERVED: IMAGE COMICS, INC.'S BRIEF IN SUPPORT OF ITS MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO F.R.C.P. 12(b)(6)

SERVED UPON: SEE ATTACHED SERVICE LIST



(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Brobeck, Phleger & Harrison LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.



(BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by Sherman, Alexander & Associates LLC to receive documents to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.



(BY FEDERAL EXPRESS) I am readily familiar with the practice of Brobeck, Phleger & Harrison for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.



(BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as complete and without error. Pursuant to C.R.C. 2009(i), I caused the transmitting facsimile machine to issue properly a transmission report, a copy of which is attached to this Declaration.



(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



(FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on July 1, 2002, at Irvine, California.


Naomi M. Harmon

PROOF OF SERVICE LIST

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